



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

GREGG WAGNER, ET AL.

Serial No.: **09/113,446**

Filed: **07/10/1998**

For: **HOUSING FOR PORTABLE HANDHELD ELECTRONIC DEVICE**

Art Unit: **3637**

Examiner: **Gerald A. Anderson**

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APR 08 2004

GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Mail Stop: Non-Fee Amendment

Dear Sir:

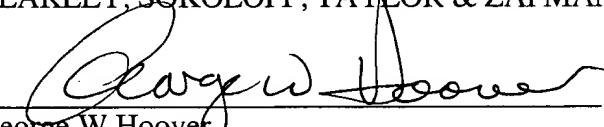
This is in response to the outstanding Office Action mailed December 31, 2003. Applicant respectfully requests reconsideration based on the following remarks.

Claims 6-11 remain in the application. Claims 6-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al in view of Seo and Pitel. The Examiner's reliance on Seo is misplaced, just as with the Shepard et al. reference in the previous Office Action dated April 2, 2003. The Examiner acknowledges that Schmidt fails to show a one-piece, hollow body portion, but argues that Seo teaches a housing having an integrally formed handle portion 21 and a head 22. Seo does indeed state that the head portion is integrally formed with the grip portion, but nowhere does the patent state that the entire casing 2 is molded as a single undivided piece. If this were the case, there would be no way to install the various internal components as shown in Figure 2. Indeed, it is obvious that circuit board 5 could not be inserted through the reading window 36 and maneuvered past the bend between the grip portion and the head portion. The mere

fact that Seo does not explicitly show parting lines in the casing does not allow one to infer that the casing is molded as a single piece, especially when this would render the casing unusable for its intended purpose. Thus, Seo does not teach a one-piece, hollow body portion as recited in the rejected claims any more than does Schmidt (or Shepard). For the same reasons that the Board of Patent Appeals and Interferences declined to sustain the previous final rejection of the claims, the rejection of claims 6-11 under 35 U.S.C. § 103(a) should be withdrawn.

Respectfully submitted,

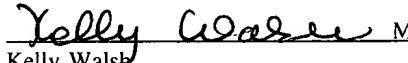
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP


George W Hoover
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Dated: March 31, 2004

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Kelly Walsh March 31, 2004
Date

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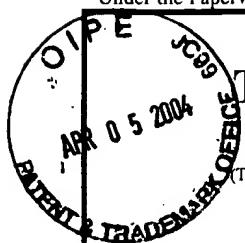
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PTO/SB/21 (6/98)

Approved for use through 09/30/00 OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Application Number	09/113,446
Filing Date	07/10/1998
First Named Inventor	GREGG WAGNER
Group Art Unit	3637
Examiner Name	GERALD A. ANDERSON

Attorney Docket Number

003470.P005

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication Group
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals & Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) & Accompanying Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Request for Reconsideration (2 p.)
	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Postcard

Remarks

In the event that an extension of time is required to prevent this application from being abandoned, such extension is hereby requested and authorization is hereby given to charge the appropriate fee to Deposit Account No. 02-2666.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
George W Hoover, Reg. No. 32,992

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